IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1528 OF 1998

Grindlays Bank Employees Union ....Petitioner
V/s.
ANZ Grindlays Bank & Ors. ....Respondents

Mr.Bhavesh Parmar for the Petitioner.
Mr.P.K. Rele i/b Piyush Shah for Respondent Nos.1 and 2.
Mr.A. Sayyed, AGP for State.

CORAM : A.P. SHAH AND
S.J. VAZIFDAR, JJ.
DATED : 4TH FEBRUARY, 2005.

P.C. :

1. The Petitioner is the registered union representing the security guards registered at Exhibit "A" to the Petition who are working in the establishment of Respondent No.1 bank. Respondent No.1 is registered with the Security Guards Board established under the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981. The security guards registered at Exhibit "A" are provided by the Security Guards Board.

2. The Petitioner union is seeking to regularise the services of the security guards mainly on the basis of notification dated 9th December, 1976 issued

by the Union of India. This notification was set aside by the Supreme Court in *Steel Authority of India Ltd. & Ors. v. National Union Waterfront Workers & Ors., (2001) 7 SCC 1*. Therefore no relief can be granted on the basis of the said notification dated 9th December, 1976.

3. In the alternative the case of the Petitioner is that in view of the provisions of the Contract Labour (Regulation and Abolition) Act, 1971, the Petitioners have become regular employees of Respondent No.1 - bank. This issue is also decided by the Division Bench of this Court in *I.A.A. Employees Union v. I.A. Authority of India, 2002 LAB. I.C. 1603* holding that the registered security guards being allotted by the Board to a registered employer does not become a direct employee of the registered employer.

4. It is therefore not possible to grant any relief to the Petitioner in exercise of the powers under Article 226 of the Constitution of India. The Petitioner has already approached the Conciliation Officer for appropriate reliefs. We therefore, dismiss the Petition with direction that interim relief which was granted by this Court pending the

Petition shall continue to protect the Petitioners for a period of twelve weeks.